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427.092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yves CHRISTEN

Serial No.: 10/517,219

Filed: December 3, 2004

For: USE ...DETRIMENT OF FATTY MASS:

:
: Group: 1655

:
: Examiner: Chen, Catheryne

Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036
April 3, 2008

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9/9/08
RCE

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office action of October 16, 2008, reconsideration of this application is requested in view of the remarks presented herein.

The claims in the application are claims 9 to 11, all other claims having been cancelled.

Claims 9 to 11 have been rejected under 35 USC 102 as being anticipated by the O'Reilly et al. patent and under 35 USC 103 as being obvious over the Schwabe patent from reasons of record. The Examiner deems O'Reilly et al and Schwabe administer the same composition to the same patients and therefore gets the same result.